THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.10355 of 2006

DATE: 31.07.2006

Between:

K. Satyanarayana Murthy

… PETITIONER

AND

The APSRTC, rep., by its Managing Director,
Musheerabad, Hyderabad & others.

… RESPONDENTS

ORDER:-

Questioning the order of suspension, dated 05.05.2006, the present writ petition is filed by the petitioner.

The case of the petitioner is that he was appointed as conductor on 09.12.1980 in the respondent – Corporation and is also chairman of employees union. Smt. P.S. Laxmi, who is the lady conductor was charted duty on 14.04.2006 from 14:15 hours to 21:00 hours on Jangareddygudem to Chintalpudi route and accordingly the traffic supervisor issued her tray box and ticket blocks. At that point of time the Assistant Manager (Traffic) – 3rd respondent herein intervened and instructed the lady conductor to go on Jangareddygudem to Eluru route from 15:45 hours to 24:00 hours for which she refused and approached the petitioner and explained the problem to him. The petitioner being Chairman of the Employees Union requested the 3rd respondent not to allot such night duties to lady conductors, but the 3rd respondent did not relent. Therefore, the petitioner and some other employees protested and informed the 3rd respondent to go on dharna. The petitioner's further case is that the Depot Manager – 2nd respondent without appreciation of facts in proper perspective, influenced by the report of the 3rd respondent issued charge sheet dated 05.05.2006 and placed him under suspension on the ground of cash and ticket irregularities. Aggrieved by the suspension order, the present writ petition has been filed by the petitioner.

On 25.05.2006, this Court while ordering notice before

admission, passed the following order:

> "The petitioner pleads mala fides against the second respondent in the matter of placing him under suspension. A perusal of the order, dated 05.05.2006, discloses that the so-called irregularities alleged against the petitioner were not noticed during any check but on the strength of subsequent verification. Though inference with the order of suspension is a rare phenomenon, in view of the circumstances referred to above, this court is of the view that the petitioner deserves to be continued.
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> Hence, there shall be an interim suspension as prayed for, to be in force for a period of four (4) weeks. It shall be open to the respondents to assign any other duty to the petitioner to ensure that the record of the enquiry is not tampered with."

To vacate the said order, the respondents filed vacate stay petition accompanied with counter affidavit. In the counter affidavit the allegations made in the writ petition are denied, and it is stated that during the verification of the statistical returns it was noticed that the petitioner has committed misconduct of re-issue of tickets on various dates and, therefore, by order dated 5.5.2006 he was placed under suspension, pending enquiry. The earlier punishments undergone by the petitioner are also indicated in the counter. It is also stated that the petitioner instead of submitting his explanation and participating in the enquiry, has rushed to this Court by filing the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

When the matter is taken up, learned Standing Counsel for respondents-APSRTC submitted that the departmental enquiry initiated against the petitioner has been concluded and final orders are to be passed in the matter.

Since the enquiry initiated against the petitioner has been concluded, both the counsel agreed for disposal of the writ petition

with a direction to the respondents to pass appropriate final orders in the matter expeditiously.

In view of the admitted stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following direction.

The 2nd respondent is directed to pass final orders in the matter expeditiously within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date: 31.07.2006
ES/GRK